

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
GREENVILLE DIVISION**

GREGORY PAUL CARR

PLAINTIFF

v.

No. 4:16CV88-MPM-DAS

**OFFICER LLOYD HOOVER
CHIEF FREDDIE CANNON
MAYOR JOHN COX**

DEFENDANTS

**ORDER REQUIRING AUTHENTICATION
OF DOCUMENTS**

On May 15, 2018, the court issued an order setting a schedule for additional briefing on the defendant's motion for summary judgment. The defendant has submitted additional briefing, but the plaintiff has not. In the order setting a briefing schedule, the court stated:

Unfortunately, none of the documents submitted by either party qualify as competent evidence the court may consider on summary judgment, as neither was accompanied by a sworn statement that the documents were true and correct copies, and none appear to be self-authenticating.

ECF Doc. 102 at 6. In his brief, the defendant included an affidavit, in which he authenticated his narrative on pages 3-4 of the Incident Report included with his motion for summary judgment. Thus, the defendant has authenticated only two pages of the 60+ pages of exhibits attached to the motion. The court believed that the order setting a briefing schedule made clear that both the plaintiff and defendant were to brief the sole remaining issue, as set forth in the order, *and to authenticate the documents already presented*. This case is set for a jury trial on August 13, 2018, a little less than a month from now. Rule 56 makes clear that, if the movant meets all the criteria, then the court *must* grant summary judgment. Fed. R. Civ. P. 56(a). In addition, under Fed. R. Civ. P. 56(f), a court may "grant summary judgment on grounds not raised by a party," after providing the parties notice and a reasonable time to respond. The court provided such notice in this case.

The court believes that the documents provided by the plaintiff and the defendant, *if authenticated*, are sufficient for the court to make a reasoned decision in this case. However, even after the order requiring additional briefing, only *two pages* of the numerous documents at the court's disposal have been authenticated.

Thus, within 7 days of the date of this order, the parties must authenticate the documents already submitted in previous summary judgment briefing.

SO ORDERED, this, the 17th day of July, 2018.

/s/ MICHAEL P. MILLS
UNITED STATES DISTRICT JUDGE NORTHERN
DISTRICT OF MISSISSIPPI